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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,620	10/11/2001	Egon Brauning	UL 3.0-014	8373

27614 7590 10/14/2004  
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EXAMINER

GARRETT, ERIKA P

ART UNIT	PAPER NUMBER
3636	

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/975,620

Applicant(s)

BRAUNING, EGON

Examiner

Erika Garrett

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16,17,19,21-23,25,29,30,32,34-37,39-44 and 47-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16,17,19,21-23,25,29,30,32,34-37,39-44 and 47-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### DETAILED ACTION

The finality of the last office action has been withdrawn. The amendment filed on 9/30/04 has been entered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16-17,19,21-22,25,29-30,32, 39,43-44 and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Hyodo (4,995,755). In regards to claims 19,21, and 39, Hyodo discloses the use of a mounting for a seat comprising an annular elastic member (34) having an axial length, an outer peripheral surface with a first shape and a passageway extending through said elastic member in an axial direction so as to define an inner peripheral surface: a core element (10) positioned adjacent to and in contact with said inner peripheral surface of said elastic member the core element having an axial through-passage: and an outer casing (18,24) positioned adjacent to and in contact with said outer peripheral surface along substantially the entire axial length of the elastic member, said outer casing including a top molding and having a second shape which is complementary to said first shape of said outer peripheral surface of said elastic member, said elastic member being interposed between said core element and said outer casing. In regards to claims 16&32, wherein the core element has an

axial through-passage (32). In regards to claim 17, wherein the axial through-passage of the core element is tapered. In regards to claim 22, wherein the elastic member has an annular recess extending from the inner peripheral surface toward the outer peripheral surface and wherein the core element includes a radially extending bead received within the recess of the elastic member. In regards to claims 25&43, wherein the passageway is tapered, see figure 4. In regards to claims 29&44, wherein the elastic member is tapered, see figure 4. In regards to claim 30, wherein the elastic member is made of rubber and wherein the core element is made of metal. In regards to claim 47, wherein the central column includes an axially extending spring, see column 5.

Claims 16-17,19,21-23,25,29-30,32, 39 and 43-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Krieg (5,028,163). In regards to claims 19,21, and 39, Krieg discloses the use of a mounting for a seat comprising an annular elastic member (2) having an axial length, an outer peripheral surface with a first shape and a passageway extending through said elastic member in an axial direction so as to define an inner peripheral surface; a core element (26) positioned adjacent to and in contact with said inner peripheral surface of said elastic member the core element having an axial through-passage; and an outer casing (9) positioned adjacent to and in contact with said outer peripheral surface along substantially the entire axial length of the elastic member, said outer casing including a top molding and having a second shape which is complementary to said first shape of said outer peripheral surface of said elastic member, said elastic member being interposed between said core element and said

Art Unit: 3636

outer casting. In regards to claims 16&32, wherein the core element has an axial through-passage. In regards to claim 17, wherein the axial through-passage of the core element is tapered. In regards to claim 22, wherein the elastic member has an annular recess extending from the inner peripheral surface toward the outer peripheral surface and wherein the core element includes a radially extending bead received within the recess of the elastic member. In regards to claim 23, wherein the top molding includes a cut-out (24). In regards to claims 25&43, wherein the passageway is tapered, see figure 4. In regards to claims 29&44, wherein the elastic member is tapered (4). In regards to claim 30, wherein the elastic member is made of rubber and wherein the core element is made of metal.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 34-37 and 47-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krieg (5,028,163) in view of Jensen (5,769,492). Krieg shows the use of all the claimed invention but fails to show the use of a chair comprising a seat, an under-frame to the seat, and a mounting being arranged on the column of the under-frame. Jensen teaches the use of a chair (10) comprising a seat (20), an under-frame (27) to the seat, and a mounting (85,77,75) being arranged on the column (40) of the

Art Unit: 3636

under-frame. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the mounting elements with a seat, an under-frame, and a column as taught by Jensen, in order for supporting the user in a seated position and to reduce the spinal movement of the user's spine.


### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to mounting for a seat: U.S Pat. No. 2719017, 4927285, 4629352, 5131638, 5873565, 5178482, 5601378, 5876023, and 5315373.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Garrett whose telephone number is 703-605-0758. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EG  
October 12, 2004

  
**Peter M. Cuomo**  
Supervisory Patent Examiner  
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